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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,886	11/30/2001	David Elderfield		2771

7590 04/24/2003

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EXAMINER

LEE, SEUNG H

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,886

Applicant(s)

ELDERFIELD, DAVID

Examiner

Seung H Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the three-dimensional image must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-10 are objected to because of the following informalities:

Re claim 1, line 6: Substitute "it" with --the fingerprint--,

Re claim 2, line 6: Substitute "it" with --the fingerprint--,

Re claim 5, line 6: Substitute "it" with --the fingerprint--,

Re claim 6, line 3: Substitute "he" with --the user--,

Re claim 7, line 5: Substitute "it" with --the three-dimensional image--,

Re claim 7, line 7: Substitute "they" with --the three-dimensional image --,

Re claim 8, line 6: Substitute "it" with --the fingerprint--,

Re claim 10, line 6: Substitute "it" with --the three-dimensional image--,

Re claim 10, line 7: Substitute "they" with --the three-dimensional image --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price-Francis (US 5,815,252) in view of Yu et al. (US 5,903,804)(hereinafter referred to as 'Yu') and Funk et al. (US 6,296,169)(hereinafter referred to as 'Funk').

Price-Francis teaches a personal data carrier or optical card (25) comprising a photo image and a fingerprint of individual, a barcode for each identity card, and a display (42) for displaying information such as the photo image or facial image and travel history, etc. (see Figs. 1-5; col. 2, lines 30-44; col. 3, lines 18-30; col. 4, line 15 – col. 7, line 47).

However, Price-Francis fairly teaches that the fingerprint is store at the database wherein the database is providing the validity of the fingerprint obtained from user(s).

Yu teaches an authentication center (24) comprising biometric database (44) wherein the authentication center is comparing (116) the acquired biometric data (104)

with the retrieved biometric data from the database (44) according to the identity of user such as user's name or user's ID (107).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yu to the teachings of Price-Francis in order to provide an improved and an enhanced system means for employing the centralized authentication system for authenticating/verifying of the user at the server side by comparing the biometric information obtained from the user with the biometric data retrieved from the biometric database according to the user name or ID. Moreover, such modification would provide an additional security means for comparing the acquired biometric data at the terminal with the biometric data retrieved from the biometric database. Furthermore, such modification would provide flexible means wherein the terminal equipped with the card reader and biometric data scanner can be installed at any place where the authenticating of user is necessary by connecting the centralized authenticating system including database storing users biometric data therein.

Although, Price-Francis as modified by Yu teaches the authentication system using the biometric data stored in the data carrier, they fail to particularly teach that the data carrier is a passport.

However, Funk teaches the biometric data such as fingerprint, voiceprints, and eye prints or retinal image are recorded on a passport (see col. 2, lines 39-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Funk to the teachings of Price-

Francis/Rockwell in order to improve a security at the airport by authenticating the biometric data wherein the biometric data is stored in the passport.

Although, Price-Francis as modified by Yu and Funk teaches the data carrier such as optical card or passport contains the photo image and fingerprint thereon, they fail to particularly teach that the photo image is on one side of the substrate and the fingerprint is on the opposite side of the substrate. However, it would have been an obvious design variation well within the ordinary skill in the art failing to provide any unexpected results for choosing the side of the substrate to provide the photo image and the fingerprints, and therefore an obvious expedient.

5. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price-Francis as modified by Yu and Funk, and further in view of Yap et al. (US 6,111,506)(hereinafter referred to as 'Yap').

The teachings of Price-Francis/Yu/Funk have been discussed above.

Although, Price-Francis/Yu/Funk teaches the biometric authentication system using the biometric data, they fail to particularly teach the biometric data using for authenticating system is a three-dimensional image.

However, Yap teaches the using of the three-dimensional image for biometric authentication (see col. 8, lines 40-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yap to the teachings of Price-

Francis/Yu/Funk in order to provide an alternative means for authenticating users by comparing the acquired three-dimensional image of user with the retrieved three-dimensional image of user, and therefore an obvious expedient.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Schroeder [US 5,787,186], Baratelli [US 6,325,285], Dulude et al. [US 6,310,966], Gottfried [US 6,270,011], Prabhu et al. [US 6,306,077], and Bogosian, Jr. [Re. 36,580] disclose a biometric authentication system.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

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includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
April 17, 2003



KARL D. FRECH
PRIMARY EXAMINER